



**FW: Florence Copper Project**

**Carrolette Winstead** to: Nancy Rumrill  
Cc: "Michele I. Robertson", "Richard J. Mendolia"

06/15/2010 02:17 PM

History: This message has been forwarded.

Nancy,

FYI - we received the email below from a concerned resident living adjacent to the mine. He has some groundwater background from working in Texas and is concerned about aquifer contamination from the injection process.

I just spoke with him and explained our process and that you were working on a major modification to the UIC permit. He may contact you as well.

I explained that we will offer public participation during the significant amendment phase of the project and currently, we are processing a permit transfer only.

I explained that the facility was actually permitted in the 1990s and he understood that. He indicated that he was told there would be no more mining there when he purchased his residence.

He indicated that only 160 acres of the site was zoned for mining and the rest had been re-zoned by the City for residences. He is in discussions with the City to investigate zoning further. (Note that mines greater than five contiguous acres are exempt from zoning requirements under APP.)

Regards,

Carrolette J. Winstead  
Manager, APP & Drywell Unit  
Groundwater Section, Water Quality Division  
Arizona Department of Environmental Quality  
1110 West Washington Street, Mailcode 5415B-3  
Phoenix, Arizona 85007  
602-771-4616  
[cw6@azdeq.gov](mailto:cw6@azdeq.gov)  
P Please consider the environment before printing  
this e-mail.

-----Original Message-----

From: John Anderson [REDACTED] FOIA Exemption 6  
Sent: Tuesday, June 08, 2010 8:21 AM  
To: Michele I. Robertson  
Subject: FW: Florence Copper Project

What can the residents of Anthem at Merrill Ranch do to stop this mining operation. I worked for the Hays Trinity Water Conservation District in Austin, Texas and know that the proposed In-situ mining process is invasive to the aquifer. The water tables flow, even in clay and to say this process will not adversely affect neighboring water tables is grossly untrue.

How can we get ADEQ help to stop this proposed operation? Can you attend this meeting on 6/15 to give us your input?

Regards,

John L. Anderson  
[REDACTED] FOIA Exemption 6

-----Original Message-----

From: Karen L. Smith [mailto:klsmith@azwater.gov]  
Sent: Saturday, June 05, 2010 5:29 PM  
To: 'jla@johnlanderson.com'; 'mir@azdeq.gov'  
Cc: Sandra A. Fabritz  
Subject: Re: Florence Copper Project

Thank you for your message. ADWR will become involved should this project need to pump groundwater. The more appropriate agency for your concerns is ADEQ. I am copying Michele Robertson, who manages the groundwater permitting section, so she can become aware of your message.  
Karen Smith

----- Original Message -----

From: John Anderson [REDACTED] FOIA Exemption 6  
To: Karen L. Smith  
Sent: Sat Jun 05 12:55:39 2010  
Subject: Florence Copper Project

I live in Anthem at Merrill Ranch, Florence, AZ. I recently received the following email:

All Anthem at Merrill Ranch Residents,

This email is to inform you of an important Open House coming up that will have an effect on the Anthem at Merrill Ranch community and the surrounding area.

The Florence Copper Project has rented a room at the Parkside Community Center to conduct an open house on

Tuesday, June 15, 2010

4:30 ? 7 pm  
Anthem Parkside Community Center

Please plan to attend the Open House to ask questions and raise any concerns about the Florence Copper Project and it?s proposed amendment to the Florence General Plan.

Please view the document contained at the link below for more information on the Florence Copper Project and the link below for the flier they provided us that you may see around the community to promote the open house.

Flier:

[http://www.scribd.com/full/32550722?access\\_key=key-cpiyxwdi5wwfgmh74ie](http://www.scribd.com/full/32550722?access_key=key-cpiyxwdi5wwfgmh74ie)

Florence Copper Project Major General Plan Amendment:  
[http://www.scribd.com/full/32550481?access\\_key=key-bxemyxwi746yzddmzru](http://www.scribd.com/full/32550481?access_key=key-bxemyxwi746yzddmzru)

Thank you in advance for your involvement.

If you believe you have received this message in error and/or wish to be removed from all our subscription lists, you can unsubscribe by clicking the link:here

<

<http://ActiveNet6.active.com/amrcc/servlet/changeSubs>

criptionListsMain.  
sdi?subscriptionlist\_id=0&id=2A524BB56156&bulkemailta  
sk\_id=145&oc=Subscr  
ptionList> .

I have read the General Plan Amendment and have a  
problem accepting the  
premise that this In-situ process will not have an  
adverse affect on the  
surrounding aquifer. Is there a process where we can  
get the state  
involved to help protect the aquifer? Is this a safe  
process to be  
allowed next to a neighborhood that is projecting  
over 9,000 homes.

I previously worked for a water conservation district  
and we did studies  
to showed to aquifers flowed for hundreds of miles  
and were definitely  
transitory. And I do understand that in certain  
types of clay, the  
movement is slowed down, but it still moves, and is  
part of the total  
aquifer.

This appears to be a done deal. How can we get help  
to stop this  
process. Please help us.....ASAP!

If you are not the right agency, please let me know  
who I may contact.

Regards,

John L. Anderson

FOIA Exemption 6

[REDACTED]

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*

NOTICE: This e-mail (and any attachments) may contain

PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. It may contain information that is privileged and confidential under state and federal law. This information may be used or disclosed only in accordance with law, and you may be subject to penalties under law for improper use or further disclosure of the information in this e-mail and its attachments. If you have received this e-mail in error, please immediately notify the person named above by reply e-mail, and then delete the original e-mail. Thank you.



**RE: Curis Resources (Arizona) Inc. proposed Florence Copper Project**

**Carrolette Winstead** to: John Anderson

06/21/2010 05:32 PM

Cc: "Michael A. Fulton", "Michele I. Robertson", "Richard J. Mendolia",  
Nancy Rumrill

Mr. Anderson,

As we discussed last week and as Ms. Rumrill states in her response to you below, ADEQ is responsible for protecting the aquifers and regulating the discharge associated with this mining facility. Our regulatory authority falls under Arizona Revised Statutes (A.R.S.) § 49-241 and Arizona Administrative Code Title 18, Chapter 9.

Our Aquifer Protection Permit (APP) for this facility was last amended in 2004 by the former owner of the property. Currently, we have an application in process for an Other Amendment to the APP that allows the permit to be transferred to Curis Resources (Arizona), Inc. (Curis). This is similar to the process EPA is undergoing for the UIC permit. You are welcome to contact our Records Center to request a review of the project file and/or a copy of this permit. Our Records Center can be reached by email at [recordscenter@azdeq.gov](mailto:recordscenter@azdeq.gov) or by phone at 602-771-4380. I believe we have over 10 volumes of files/reports on this facility that include quite a bit of historical data.

This Other Amendment process does not require public notice of this permit action; however, as we discussed last week, Curis will be submitting to ADEQ a Significant Permit Amendment Application following this pilot study. At that time, ADEQ is required by law to publish a notice in a local newspaper and allow a 30-day public comment period after review of the application is complete. At that time, you may formally submit comments to ADEQ and request a public hearing, as long as you provide supporting documentation for the hearing.

Therefore, at present time, the permit already exists and the process to contest the permit was completed in the 1990s with the issuance of the original permit.

Carrolette Winstead  
Manager, APP & Drywell Unit  
602-771-4616

-----Original Message-----

From: John Anderson [FOIA Exemption 6]

Sent: Fri 6/18/2010 4:05 PM

To: Carrolette Winstead

Subject: FW: Curis Resources (Arizona) Inc. proposed Florence Copper Project

Ms. Winstead,

It appears I am going to have to solicit help from everyone and address each

issue separately. According to Nancy Rumill, your department will be regulate the waste management activities. What safe guards are in place to assure property owners that there will be no negative environmental run off, leaching, or airborne effects from the proposed In-situ mining operation and related copper extraction. And under what circumstance would AZDEQ not allow such a mining operation? If not, is there any state agency that can prevent this proposed mine becoming operational?

Regards,

John L. Anderson

FOIA Exemption 6

From: Rumrill.Nancy@epamail.epa.gov [<mailto:Rumrill.Nancy@epamail.epa.gov>]  
Sent: Friday, June 18, 2010 2:09 PM  
To: John Anderson  
Cc: Albright.David@epamail.epa.gov; Carrolette Winstead  
Subject: Re: Curis Resources (Arizona) Inc. proposed Florence Copper Project

Dear Mr. Anderson,

Thank you for letting us know about your concerns. In one of your previous e-mails, you mentioned some waste concerns. Arizona Dept of Environmental Quality (ADEQ) regulates the waste management activities related to the copper production facility at the site. Let me know if you would like a contact number for them.

Our program does regulate solution mining injection wells (also known as Class III Injection wells) to protect underground sources of drinking water (USDW - see 40 Code of Federal Regulations (CFR)§144.3 for the definition) under the authority of the Federal Safe Drinking Water Act. EPA issued a Class III UIC permit for the site to Bhp Copper, Inc. in 1997. The permit is an Area Permit (see 40 CFR §144.33) to construct and operate injection and recovery wells within the mine area for purposes of in-situ solution mining copper and mining zone restoration at depths greater than 40 ft below the top of the copper oxide formation. In addition, there is an aquifer exemption in the permit (pursuant to 40 CFR §146.4) to 500 feet beyond the mine area within the property and 200 feet above the oxide zone. The extent of the aquifer exemption is in the permit file and can be made available to you. The specific permit conditions are written to ensure protection of the adjacent USDWs, as well as restoration of the exempted aquifer. Monitoring requirements in the permit have also been established to monitor for regulated contaminants, including 31 Point Of Compliance (POC) wells

surrounding the facility (many of these are downgradient of ground water flow) established by ADEQ's permit and used as monitoring wells under the federal permit. I can scan a copy of the permit for sending an electronic copy to you.

My office at EPA has a request from Curis Resources (Arizona), Inc. (Curis) for transferring the permit to them as the new owner and operator of the facility. This transfer of the permit is allowable under the federal requirements in 40 CFR §144.38. The permit was transferred once in 2001 from Bhp Copper to Merrill Mining. We are evaluating whether Curis's proposed in-situ solution mining activity will differ from the already permitted activity, and we will make a decision on the permit transfer in consideration of the information that Curis has submitted. This process of transferring the permit is not likely to include a public participation process. In the near future, Curis will need to apply for a major modification to the permit to cover changing operations at the site, and EPA will evaluate that application and provide public notice, comment, and opportunity for a public hearing. I will put you on our mailing list for public notice in the future.

EPA does have approximately 39 files on this facility, including pre-1997 extensive UIC evaluation of the injection activity to ensure adequate protection of ground water, compliance monitoring records, and current correspondence between EPA and Curis. If there is specific documents or information you would like to request under the Freedom of Information Act, I can provide you instructions on how to make that official request. Also, I would be happy to answer any specific questions that you have about the site, or more questions about our regulatory process. Please call me at the number listed below. I also appreciate any information that you may want to share with us at this time.

Sincerely, Nancy

~~~~~  
Nancy Rumrill  
U.S. Environmental Protection Agency, Region 9  
Ground Water Office, WTR-9  
75 Hawthorne Street  
San Francisco, CA 94105  
415-972-3293  
415-947-3545 (FAX)

From:

FOIA Exemption 6

To:

Nancy Rumrill/R9/USEPA/US@EPA



Cc:

"Carrolette Winstead" <cw6@azdeq.gov>, <doczhivago@aol.com>, "Karen Smith" <klsmith@azwater.gov>

Date:

06/18/2010 11:22 AM

Subject:

Curis Resources (Arizona) Inc. proposed Florence Copper Project

---

I have accumulated sufficient data to disallow any further actions or approvals of applications for the Florence (AZ) Copper Project as proposed by Curis Resources. Attached are three documents which substantiate the disallowance of this project. The first document is the EPA's Copper Mining and Production Wastes Radiation Protection US EPS.htm:

<<http://www.epa.gov/rpdweb00/tenorm/copper.html>>  
<http://www.epa.gov/rpdweb00/tenorm/copper.html>, a listing of Registered Wells within 3 miles of the proposed mining site, and a copy of a map showing the wells surrounding the site:  
<<https://gisweb.azwater.gov/WellRegistry/Default.aspx>>  
<https://gisweb.azwater.gov/WellRegistry/Default.aspx>.

Page 6 of the EPA article states:

"In Arizona, in-situ projects typically require a joint EPA-ADEQ permitting process. EPA issues a federally-administered Class III Underground Injection Control (UIC) permit and an aquifer exemption permit that focus on the subsurface injection and restoration activities. ADEQ initiates an Aquifer Protection Permit Application (APPA) process that focuses on both subsurface activities and the surface facilities and impoundments.

Newly proposed in-situ operations must meet both of the following two criteria for an aquifer exemption:

1. the aquifer must not currently serve as a source of drinking water and the permit applicant must demonstrate that the deposit contains minerals that are expected to "New Mexico, Arizona, Colorado, and California require groundwater monitoring for tailings piles.
2. be commercially producible.

The permit covers the construction, operation, and eventual closure of the injection and recovery wells system and surface facilities and impoundments. The permit also defines the lateral and vertical boundaries of the proposed aquifer exemption."

The Arizona Department of Water Resources well registration documents show 186 wells registered within three (3) miles of the proposed location and at

similar depths as the Curis proposed In-situ wells. Also the applicant has not demonstrated that the deposit contains minerals that are expected by Arizona requirements for groundwater monitoring for tailing piles. I am not sure, at this point, as to who I should be addressing these issues. I have not gotten any response from the EPA nor has State of Arizona show any great concern in this project. In all fairness to Curis, I would like to see a position from the EPA and the State of Arizona before more monies are spent by Curis in the development of this project and/or legal fees to pursue this venture.

Regards,

John L. Anderson

FOIA Exemption 6

[attachment "Copper Mining and Production Wastes Radiation Protection US EPA.htm" deleted by Nancy Rumrill/R9/USEPA/US] [attachment "Registered Wells within 3 miles.xls" deleted by Nancy Rumrill/R9/USEPA/US] [attachment "Well Map.JPG" deleted by Nancy Rumrill/R9/USEPA/US]

---

NOTICE: This e-mail (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. It may contain information that is privileged and confidential under state and federal law. This information may be used or disclosed only in accordance with law, and you may be subject to penalties under law for improper use or further disclosure of the information in this e-mail and its attachments. If you have received this e-mail in error, please immediately notify the person named above by reply e-mail, and then delete the original e-mail. Thank you.